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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,246	12/28/2000	Sridhar Obilisetty	VNET-P001	7477

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VIANETA
694 Tasman Drive
Milpitas, CA 95035-7460

EXAMINER

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,246	Applicant(s) OBILISSETTY, SRIDHAR	
	Examiner Myriam Pierre	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/07/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17-25, 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed 03/24/2005, responding to OA of 12/07/2004, Examiner acknowledges canceled claims 6, 16, and 26, amended claims 1, 3-5, 17-21, 23-25 and 27-30 and Applicants remarks.

Response to Arguments

2. The applicant's arguments have been fully considered and the arguments are not persuasive for the following reasons:

Applicant argues Howes does not show limitations in claims 1, 11 and 21.

Howes teaches

a method for capturing and transcribing information

a server (col. 7 lines 37-38) necessarily providing instructions to a first remote device

via Internet (Fig 2; transmission between two devices through Internet, col. 5, lines 26-28), wherein said necessary instructions are for implementing a user interface according to user preferences, said user interface comprising an audio message that is accessed via a speech portal (col. 7 lines 17-27, The public subscriber server 112 also provides for dictation, or voice file, recovery. The recovery software module 132 provides the ability to recover dictation to prevent data loss. For example, as a physician dictates, voice files are continuously recorded on a local hard drive (not shown) maintained on the user input device 102a, 102b, 102c.)

said server receiving via the voice file from said a first remote device (col. 2, lines 54-

55) said voice file comprising digitized data (digital form, col. 5, line 33-34)

representing a recorded message (col. 7, lines 20-21) that is recorded using said

speech portal (Fig. 2, user input device 102a, 102b, 102c, col. 7 lines 17-27);

said server sending a voice file to a remote transcription service provider via the Internet

(voice file received by transcription center, via Internet, col. 2, lines 57-58 and

col. 5, lines 14-15 and 27-28);

said server receiving via the Internet a transcript file from remote transcription provider

(text form sent via internet, col. 5, lines 26-28 and col. 10, lines 21 and 29),

transcription file comprising a transcribed version of said recorded message

(voice file stored converted to text file or transcription file, col. 8, lines 51-53 and

58-60);

said server distributing said transcribed version to a second remote device

(transmission between two devices via Internet (remote computer network), col.

5, lines 26-28 and col. 10, lines 20-22 and 25-27).

a computer system (two way Internet exchange requires the use of a computer system

such as keyboard, monitor, etc. col. 13, lines 13-14) with inherent computer

readable medium (computer, col. 5, line 60) to operate software applications.

The newly amended claims are taught by Howes (6,738,784) in view of Jones (6,175,822), see 103 rejection below.

Moreover, in the amended claim 1, 11 and 21, it is not clear if the claimed invention is a device/apparatus (a Web server) or the method of implementing the device/apparatus.

Claims 1-5, 7-15, 17-25, and 27-30 stand rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-14, 16-24, and 26-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Howes (6,738,784) in view of Jones (6,175,822).

As to claims 1, 11 and 21,

Howes teaches

a method for capturing and transcribing information

a server (col. 7 lines 37-38) necessarily providing instructions to a first remote device

via Internet (Fig 2; transmission between two devices through Internet, col. 5,

lines 26-28), wherein said necessary instructions are for implementing a user

interface according to user preferences, said user interface comprising an audio

message that is accessed via a speech portal (col. 7 lines 17-27, The public

subscriber server 112 also provides for dictation, or voice file, recovery. The

recovery software module 132 provides the ability to recover dictation to prevent

data loss. For example, as a physician dictates, voice files are continuously

recorded on a local hard drive (not shown) maintained on the user input device 102a, 102b, 102c.)

said server receiving via the voice file from said a first remote device (col. 2, lines 54-55) said voice file comprising digitized data (digital form, col. 5, line 33-34) representing a recorded message (col. 7, lines 20-21) that is recorded using said speech portal (Fig. 2, user input device 102a, 102b, 102c, col. 7 lines 17-27); said server sending a voice file to a remote transcription service provider via the Internet (voice file received by transcription center, via Internet, col. 2, lines 57-58 and col. 5, lines 14-15 and 27-28);

said server receiving via the Internet a transcript file from remote transcription provider (text form sent via internet, col. 5, lines 26-28 and col. 10, lines 21 and 29), transcription file comprising a transcribed version of said recorded message (voice file stored converted to text file or transcription file, col. 8, lines 51-53 and 58-60);

said server distributing said transcribed version to a second remote device (transmission between two devices via Internet (remote computer network), col. 5, lines 26-28 and col. 10, lines 20-22 and 25-27).

a computer system (two way Internet exchange requires the use of a computer system such as keyboard, monitor, etc. col. 13, lines 13-14) with inherent computer readable medium (computer, col. 5, line 60) to operate software applications.

Howes teach implementing a server but a Web server.

However, Jones teaches a Web server (col. 5 line 41-42)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement Howe's transcription with Jones network based transcription via web server for flexibility, thus the messaging server operates as a web server to clients on a network and the client is able to run a browser application adapted to communicate over the network with the web server, as taught by Jones, col. 5 lines 40-50.

As to claim 2, 12 and 22, Howes teaches information is a medical record (col. 13, line 3).

As to claim 3, 13 and 23, Howes teaches voice file is received ~~in step a)~~ from a computer system communicatively coupled to a telephone (communications to physical work station (which has computer system) via telephone, col. 4, line 54), wherein said recorded message is recorded by said computer system (voice file is stored/recorded by computer system/server, col. 6, lines 13-14) from said telephone and wherein said recorded message is digitized by said computer system (voice is sent in digital form, uses IP telephony for delivery of voice information, col. 5, lines 31-34).

As to claim 4, 14, and 24, Howes teaches voice file is received ~~in said step a)~~ from a dictation device communicatively coupled to a telephone (Fig 1 12a-12c, telephone and dictation device), wherein said recorded message is recorded by said dictation device from said telephone

(communications to physical work station (which has computer system) via telephone, col. 4, line 54) and wherein said recorded message is digitized by said dictation device (Dictaphone input device, col. 4, lines 66-67) , and wherein said voice file is received from said dictation device without using a port of said dictation device (voice file is sent via server, col. 8, line 46-48);

As to claim 5, 15 and 25, Howes teaches monitoring status of the system (provides scheduling and routing of voice files, col. 6, lines 31, and 33-34).

As to claim 7, 17 and 27, Howes teaches sending transcription version of said recorded message to a facsimile machine (distribution can include facsimile, col. 10, lines 29-30).

As to claim 8-9, 18-19 and 28-29, Howes teaches sending transcription file to a remote device operable to print said transcribed version (distribution via e-mail, e-mail and displayable data is printable, col. 10, lines 29-30).

As to claim 10, 20 and 30, Howes teaches sending said voice file to a remote device operable to make said voice file audible (inherent in manual transcription of voice files col. 9, lines 63-64).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER